

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**HUNTINGTON DIVISION**

JOANN HURLEY, on behalf of herself  
and all others similarly situated,

Plaintiffs,

v.

CIVIL ACTION NO. 3:16-9949

THOMAS MESSER, a W.Va. citizen,  
SANDRA PERTEE, a W. Va. citizen,  
WAYNE COUNTY BOARD OF EDUCATION,  
a West Virginia Political Subdivision, and  
RINGCENTRAL, INC., a Delaware Corp.,

Defendants.

**ORDER**

Pending is Plaintiff Joann Hurley's Motion for Preliminary Approval of Class Settlement Agreement. ECF No. 272. The Court finds that the language in the Proposed Preliminary Approval Order, *Exhibit B*, does not match the language in the planned notice, *Exhibit A*. Specifically, the proposed order states that a Settlement Class Member wishing to request exclusion must provide a written request for exclusions in which he/she must state "his or her full name, address, and telephone number where he or she may be contacted, **the cellular telephone number(s) which he or she maintains was/were called during the Class Period, the number of alleged unlawful calls received**, and a statement that the Settlement Class member submitting the request wishes to be excluded from the Settlement of this litigation." *Id.* at 32 (emphasis added). The bolded language regarding the cellular number the Settlement Class member seeking exclusion claims was called during the Class Period and the alleged number of unlawful class received is missing from the "Exclude Yourself" section the proposed notice. *Id.* at 26.

The Court hereby **ORDERS** the parties to amend the proposed notice to include the missing language. The amended notice should be submitted to the Court no later than Friday, September 4, 2020.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented parties.

ENTER: August 28, 2020

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', written over a horizontal line.

ROBERT C. CHAMBERS  
UNITED STATES DISTRICT JUDGE